

SENATE CHAMBER,
AUSTIN, TEXAS, Thursday, August 4, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Pyle the reading of the journal was dispensed with.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Engrossment :

COMMITTEE ROOM,
Austin, August 3, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Engrossed Bills having examined and compared Senate bill No. 34, "To amend an act entitled 'An Act to incorporate the Western Texas Life, Fire and Marine Insurance Company of the city of San Antonio, Texas,' passed February 16, 1858:" also, Senate bill No. 32, "To incorporate the Houston Hook and Ladder Company No. 1, of the city of Houston;" and substitute for Senate joint resolution No. 13, "Authorizing the Governor to invite proposals for the location of two penitentiaries, and to report the result to the next session of the Legislature," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

Report of special committee on House bill No. 314 :

COMMITTEE ROOM,
Austin, August 4, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR: The special committee, to whom was referred an act making an appropriation to defray the expenses of removal of the remains of General Sam Houston from Huntsville, etc., beg leave to offer the following amendment, which, it is understood, is made at the suggestion of the surviving relatives of the deceased soldier and statesman :

Sixth line, section one, after the word "Independence," insert

"or the city of Houston, at the option of the surviving relatives of the deceased."

MATTHEW GAINES,

Chairman.

On motion of Senator Gaines the rules were suspended to consider the report.

Report received, bill read second time, and on motion of Senator Ruby the amendment was adopted.

Report of Select Committee on Senate bill No. 332 "An Act to authorize the county courts to sell the school land in their respective counties."

COMMITTEE ROOM,

Austin, August 4, 1870.

Hon. DON CAMPBELL,

President of the Senate:

A majority of your select committee, to whom was referred the matter of public school lands, with directions to prepare a bill in reference thereto, after a careful consideration of the subject, have directed me to report the Senate bill, No. 332, presented August 2, by Senator Alford, back to the Senate, with the following amendments, and recommend that the same do pass.

E. PETTIT,

Chairman.

Amend section four, by striking out the words "in good faith," in the first line, and by striking out all after the word "lands," in third line, to the end of the fifth line, same section; and by inserting the word "sixty," after the word "hundred," in the sixth line, same section.

Bill read second time.

On motion of Senator Alford the rules were suspended to consider the report.

Report and amendments adopted; and, on further motion, the consideration of the bill was made the special order for Saturday, at 11 A. M., and that one hundred copies be printed for the use of the Senate.

The special joint committee of conference on Senate bill No. 197, offered the following report:

COMMITTEE ROOM,

Austin, August 4, 1870.

Honorable President of the Senate

and Speaker of the House of Representatives:

Your committee on free conference on Senate bill No. 197, entitled "An Act prescribing the times of holding the district courts in the several judicial districts in the State," have the honor to re-

port that they have agreed on the accompanying amendments to said bill, which they recommend be adopted.

Very respectfully,

B. J. PRIDGEN,
for Senate Committee.
BURNETT,
for House Committee.

1. That the Senate refuse to concur in House amendments to sections eight, twenty-two and thirty, and that the House recede therefrom.

2. That the Senate refuse to concur in House amendment to section ten, and that the following be adopted as a substitute for said section :

SEC. 10. That the district courts of the ninth judicial district shall be holden at the times hereinafter specified, to-wit :

In the county of Upshur on the first Mondays in October, February and June, and may continue in session three weeks.

In the county of Wood on the fourth Mondays in October, February and June, and may continue in session three weeks.

In the county of Rains on the third Mondays in November, March and July, and may continue in session one week.

In the county of Smith on the fourth Mondays in November, March and July, and may continue in session six weeks.

3. That the Senate refuse to concur in House amendment to section seventeen, and that the following be adopted as a substitute for said section, to-wit :

SEC. 17. That the district courts of the sixteenth judicial district shall be holden at the times hereinafter specified, to-wit :

In the county of Victoria on the second Mondays in September and January, and third Mondays in April, and may continue in session three weeks.

In the county of Calhoun on the third Monday after the second Mondays in September and January, and third Mondays in April, and may continue in session three weeks.

In the county of Refugio on the sixth Monday after the second Mondays in September and January, and third Monday in April, and may continue in session one week.

In the county of San Patricio on the seventh Monday after the second Mondays in September and January, and third Monday in April, and may continue in session one week.

In the county of Nueces on the eighth Monday after the second Mondays in September and January, and third Monday in April, and continue in session three weeks.

4. That the following be adopted as a substitute for section twenty :

SEC. 20. That the district courts of the nineteenth judicial district shall be holden at the times hereinafter specified, to-wit:

In the county of Montgomery on the second Monday in September, and first Mondays in February and June, and may continue in session three weeks.

In the county of Harris on the first Mondays in October, March and July, and may continue in session until the business is disposed of.

5. That the following be adopted as section thirty-seven, and that thirty-seven be numbered thirty-eight:

SEC. 37. That whenever any county to which, by this or any other law, a term of court may be assigned, shall be attached for judicial purposes to another county, then the time assigned for the holding of the courts in such county shall be added to the length of time provided for the county to which said first named county is attached.

But if the terms of the courts of the attached county shall occur before those of the courts of the county to which it is attached, then the terms of the courts of the latter county shall commence at the times appointed by law for the commencement of the terms in the attached county.

On motion of Senator Pridgen the rules were suspended to consider the report.

Report read.

Senator Alford moved the matter be made the special order for tomorrow at half past nine A. M.

Lost.

On motion of Senator Dohoney the report of committee was concurred in and the House notified of the same.

Message from the House informing the Senate the House had appointed the following committee of free conference—Messrs. Burnett, Mullins and Jenkins—on Senate bill No. 82, entitled "An Act to amend sections 1, 2, 3, 5, 6, 11, 12, 13, 15, 19 and 20 of an act to incorporate the Waco Tap Railroad Company."

Also, that the Speaker had signed in open session enrolled bill, "An Act supplementary to the act to incorporate the Buffalo Bayou, Brazos and Colorado Railway Company, and to the other special acts relating to said company."

Signed and returned to the House.

Also, that the House had passed House bill No. 389, "An Act to incorporate the land owners' association of Texas."

House bill No. 185, "An Act to incorporate the Cedar Bayou Bar Company."

House bill No. 152, "An Act to prohibit the sale of intoxicating liquors within two miles of Greenwood Masonic Institute."

House bill No. 154, "An Act to amend 'An Act to incorporate the Caddo Lake Manufacturing Company,' approved first November, 1866."

House bill No. 195, "An Act for the relief of James P. Goodnight, late assessor and collector of Dallas county, and his sureties."

House bill No. 356, "An Act to prohibit the sale of spirituous, vinous and other intoxicating liquors, or the establishing of any drinking saloon, gambling house, or house of ill fame, within certain limits."

House bill No. 487, "An act to repeal 'An Act to prevent the sale of intoxicating drinks within the limits of the league of land in Fayette county, granted to Franklin Lewis, on which the town of Ruttersville is situated.'"

Senate bill No. 36, "An Act to establish a ferry across the Sabine river, at or near Red Rock, county of Upshur."

Senate bill No. 38, "An Act to incorporate the Galveston Horticultural Society."

Also, that the House had passed Senate bill No. 262, "An Act to change the present boundaries of Burleson and Brazos counties," with the following amendments:

Amend by striking out in second section, fifth and sixth lines, the words, "the town of Lexington," and inserting instead the words, "the place receiving the majority of the votes cast at said election, as the county seat."

Eighth line, same section, strike out the words "town of Lexington," and inserting the words, "county seat so chosen."

BILLS AND RESOLUTIONS.

By Senator Dohoney: "An Act to be entitled 'An Act to incorporate the Lamar Female Seminary.'"

Bill read first time.

On motion of Senator Dohoney the rules were suspended to consider the bill.

Bill read second time and passed to engrossment; rules further suspended and bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Alford, Baker, Bell, Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Gaines, Hall,

Hertzberg, Latimer, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—27.

Nays—None.

Absent—Clark, Fountain—2.

Bill passed.

By Senator Pridgen: "An Act to add a point of the county of Refugio, herein described, to the county of San Patricio."

Bill read first time, and referred to Committee on Counties and County Boundaries.

Also, "An Act to permanently create the county seat of San Patricio county."

Read first time, and referred to Committee on Counties and County Boundaries.

Also, "An Act to incorporate the Lavaca River and Jackson County Dredging and Navigation Company."

Read first time, and referred to Committee on Internal Improvements.

On motion of Senator Pettit the rules were suspended to take up House bill No. 364, "An Act to incorporate the city of Columbus and for other purposes."

Bill read first time; rules suspended, bill read second time; rules further suspended and bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Gaines, Hall, Hertzberg, Latimer, Mills, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon—23.

Nays—Alford.

Absent—Bowers, Clark, Fountain, Parsons, Saylor—5.

Bill passed and returned to the House.

On motion of Senator Pickett the rules were suspended to take up Senate joint resolution No. 5, proposing amendments to sections two, three and four of article five of the Constitution of the State of Texas.

Read second time.

Senator Pickett moved that section two be adopted.

Carried.

Senator Pickett moved that section three be adopted.

Carried.

Senator Pickett moved that section four be adopted.

Carried.

On motion, passed to engrossment.

On further motion the rules were suspended and joint resolution read the third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Alford, Baker, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Fountain, Gaines, Hall, Herzberg, Latimer, Mills, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon—24.

Nays—Ford.

Absent—Bell, Parsons, Pettit, Saylor—4.

Passed.

[Senator Ruby in the Chair.]

By leave, Senator Pickett introduced an act supplementary to and amendatory of an act entitled "An Act to organize, incorporate and aid the East Line and Red River Railroad Company."

Bill read first time.

Senator Pickett moved the rules be suspended to consider the bill.

Rules suspended and bill read second time.

Senator Priest offered the following amendment :

Strike out "twenty-five thousand," and insert "twenty thousand."

Lost.

Bill passed to engrossment.

Rules further suspended and bill read third time.

Yeas and nays taken on final passage.

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Mills, Pickett, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—23.

Nays—Alford, Priest—2.

Absent—Gaines, Latimer, Parsons, Pettit—4.

Bill passed.

On motion of Senator Priest the rules were suspended to take up House bill No. 436 "An Act for the relief of John W. High, of the county of Houston."

Bill read first time ; rules suspended and bill read second time ; rules further suspended and bill read third time.

Yeas and nays taken on final passage.

Yeas—Mr. President, Bell, Bowers, Broughton, Clark, Douglas, Evans, Flanagan, Ford, Fountain, Hall, Hertzberg, Latimer, Mills, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—21.

Nays—None.

Absent—Alford, Baker, Cole, Dohoney, Gaines, Parsons, Pettit, Pickett—8.

Bill passed, and sent to the House.

On motion of Senator Pridgen, the rules were suspended to take up House bill No. 109, "An Act to cede to and confer upon the city of Indianola all the rights, title and interest of the State in

and to the flats adjacent to said city in the waters of Matagorda Bay, in trust for the purpose and conditions herein specified."

Report of committee concurred in.

Rules suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas—Alford, Bell, Bowers, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Latimer, Mills, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—23.

Nays—None.

Absent—Mr. President, Baker, Broughton, Parsons, Pickett, Priest—6.

Bill passed and sent to House.

Report from Committee on Engrossment :

COMMITTEE ROOM,
Austin, August 2, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Engrossed Bills, having examined and compared substitute for Senate bill No. 238, "To incorporate the Pacific and Great Eastern Railway Company of Texas," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

On motion of Senator Pyle, the rules were suspended to take up House bill No. 70, "An Act granting to the Galveston Wharf Company the right to make railroad connection with their wharves and the railroads entering the city of Galveston."

Bill read first time ; rules suspended, bill read second time.

The hour having arrived for special order, the consideration of House bill No. 30,

On motion of Senator Pyle, it was postponed until the business before the Senate was disposed of.

The question recurring upon House bill No. 70, Senator Douglas offered the following amendment :

Section one, line fourteen, strike out the words "a switch," and insert "switches, turnouts, side switches, etc."

Amendment adopted.

The question recurring upon the third reading of said bill, the bill was read third time.

Yeas and nays were taken :

Yeas—Mr. President, Alford, Baker, Bell, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Ford, Gaines, Hall,

Hertzberg, Latimer, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon—25.

Nays—None.

Absent—Bowers, Fountain, Mills, Parsons—4.

Bill passed and returned to the House.

Under direction of the President the Secretary carried to the House, with action of the Senate, substitute for Senate bill No. 238, "An Act to incorporate the Pacific and Great Eastern Railway Company of Texas."

Also, substitute, Senate bill No. 34, "An Act to amend an act entitled 'An Act to incorporate the Western Texas Life, Fire and Marine Insurance Company of the city of San Antonio, Texas, passed February 16, 1858.'"

Substitute, Senate joint resolution No. 13, "Authorizing the Governor to invite proposals for the location of two penitentiaries, and to report the result at the next session of the Legislature."

Senate bill No. 32, "An Act to incorporate the Houston Hook and Ladder Company No. 1 of the city of Houston."

Enrolled Senate bill No. 16, "An Act to incorporate the Germania Saving, Trust and Exchange Company," signed by the Speaker and returned to the Senate.

The hour having arrived for the special order, the consideration of House bill No. 30, "An Act to authorize the clerks of the supreme and district courts, and the justices of the peace, to issue executions for all costs created by parties in any suit or suits in said courts, and to provide for the collection of the same,"

Report of select committee read.

Senator Bowers moved the indefinite postponement of the bill.

Carried.

The hour having arrived for the consideration of special order, Senate bill No. 254, "An Act to establish a system of public free schools for the State of Texas,"

Pending discussion,

Message from the House informing the Senate the House had passed Senate bill No. 200, "An Act to authorize county courts to levy a road tax, and to improve roads and bridges."

Also, that the House had adopted concurrent resolution No. 3, relating to the division of the State of Texas, and asks the concurrence of the Senate in the same.

Also, that the House had passed Senate bill No. 106, "An Act to authorize the consolidation of the Indianola Railroad Company with the San Antonio and Mexican Gulf Railroad Company, under the name and style of the Gulf, Western Texas and Pacific Railway Company," with the following amendments :

Amend section three as follows : " Provided, that if said company shall fail to construct and put in good running order thirty miles of said road above Victoria by the first day of January, eighteen hundred and seventy-two, or shall thereafter fail to construct, as aforesaid, thirty additional miles of said road during each and every year until the same shall have reached San Antonio or Austin, then, in either event, the said company shall forfeit all rights, privileges and immunities granted by this act."

Amend section four by adding that : " Provided that this section shall not be construed to revive any grant or grants to lands in favor of said corporations, if such grants are prohibited by the constitution of the State ; but they shall be entitled to such grants as are provided for in their charters, if it shall be decided judicially that the same are constitutional."

The question recurring upon the consideration of Senate bill No. 254,

Pending discussion, on motion of Senator Rawson the Senate adjourned to 8 P. M.

EVENING SESSION.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll called; quorum present.

Senator Pickett moved a committee of three of free conference be appointed to act with a like committee on part of the House on Senate bill No. 82, " An Act to incorporate the Waco Tap Railroad Company."

The Chair appointed Senators Pickett, Ford and Shannon.

On motion of Senator Alford the rules were suspended to take up House bill No. 28, " An Act to incorporate the Alumania Association, of LaGrange, Texas."

Bill read first and second times ; rules suspended and bill read third time.

Yeas and nays taken on final passage :

Yeas—Mr. President, Alford, Baker, Bell, Broughton, Cole, Dohoney, Douglas, Ford, Fountain, Gaines, Hertzberg, Latimer, Mills, Pettit, Parsons, Priest, Pridgen, Pyle, Saylor, Shannon—21.

Nays—None.

Absent—Bowers, Clark, Evans, Flanagan, Hall, Pickett, Rawson, Ruby—8.

Bill passed, and returned to the House.

S J—66.

On motion of Senator Pridgen the rules were suspended to take up Senate bill No. 106, "An Act to authorize the consolidation of the Indianola Railroad Company with the San Antonio and Mexican Gulf Railroad Company, under the name and style of the Gulf, Western Texas and Pacific Railway Company."

House amendments read, and, on motion of Senator Pridgen, concurred in.

[Senator Flanagan in the Chair.]

On motion of Senator Baker the rules were suspended to take up Senate bill No. 257 "A Bill to be entitled 'An Act for the relief of M. B. McLennan.'"

Bill read second time and passed to engrossment.

Rules further suspended, and bill read third time and passed.

On motion of Senator Bell the rules were suspended to take up Senate bill No. 267, "An Act to incorporate the Hempstead Eastern and Western Railway Company of Texas," with amendments.

Report of committee read and adopted.

Bill read second time.

Senator Ruby moved to amend by striking out section eight, and inserting the following in lieu thereof:

Any person or persons whose land has been taken as aforesaid, without agreement or satisfactory compensation, may apply to the district court of the county in which said land is situated, for the appointment of appraisers, and said court shall thereupon appoint three disinterested freeholders of said county, who shall appoint a time and place to hear the applicant and said company, to whom shall be given by said freeholders reasonable notice of the time and place of said hearing; and said freeholders shall, after being duly sworn, and after due hearing of the parties, determine the amount of compensation, if any, to which the applicant may be entitled, and make return of their award at the next succeeding term of said court; and said award, if not rejected by said court for sufficient cause then shown, shall be entered upon as the judgment of said court. In determining the question of compensation, said freeholders shall be governed by the actual value of said land at the time it was taken, taking into consideration the benefits or injuries done to other lands or property of its owner by the establishment of said railway. And if the amount of compensation awarded by said freeholders shall not exceed that offered by said company to the owner, prior to said application to the court, the applicant shall pay the cost of the proceedings, otherwise the company shall pay the same. During the inquiry as to the value of said land, or the damage done to the estate of the owner, said company shall in no

manner be molested or hindered in the prosecution of their work thereon, or occupation of the same, by any writ or process from any court of this State; but all officers of the law are authorized and required to render prompt assistance to said company in the premises.

Amendment adopted.

Passed to engrossment; rules suspended, bill read third time.

Yeas and nays taken on final passage.

Yeas--Mr. President, Alford, Baker, Bell, Broughton, Cole Dohoney, Douglas, Evans, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pridgen, Pyle, Rawson, Ruby, Shannon--25.

Nays--Latimer.

Absent--Bowers, Clark, Saylor--3.

Bill passed.

Under direction of the President the Secretary carried to the House enrolled Senate bill No. 201, "An Act to prohibit the sale of intoxicating liquors within two miles of Shiloh Male and Female Academy."

Enrolled Senate Bill No. 301, "An Act to incorporate the Calvert Bridge Company.

Enrolled Senate bill No. 15, "An Act to incorporate the German, Land and Improvement Association."

Signed by the Speaker, returned and signed by the President.

Also, enrolled House bill No. 484, "An Act providing for the issuance and sale of the bonds of the State, for the purpose of meeting the appropriations for maintaining ranging companies on the frontier."

Signed and returned to the House.

On motion of Senator Cole the rules were suspended to take up House bill No. 176, "An Act to incorporate the International Railroad Company, and to provide for the aid of the State of Texas in constructing the same."

Bill read first time.

Senator Pickett moved a call of the Senate.

Call sustained.

Absent, Bowers and Clark.

On motion of Senator Ruby the call of the Senate was suspended.

Senator Priest moved the Senate adjourn.

Motion lost.

Senator Priest moved a call of the Senate.

Call sustained.

Roll called. Absent, Bowers and Clark.

On motion of Senator Ruby the call was suspended.

Pending discussion, message from the House informing the Senate the House had passed House bill No. 274, "An Act to exempt the wages of laborers and others from the writ of garnishment."

House bill No. 478, "An Act to establish a system of public free schools for the State of Texas."

House bill No. 429, "An Act to incorporate the Colorado Valley Immigration Company."

House bill No. 416, "An Act to incorporate the Screwman's Benevolent Association of Galveston."

House bill No. 358, "An Act to incorporate the Bean's Wharf, Warehouse and Cotton Compress Company of the city of Galveston."

House bill No. 283, "An Act to incorporate the Houston City Street Railway Company."

House bill No. 395, "An Act making an appropriation for the purpose of covering a deficiency in the amount appropriated by the commanding general fifth military district for the purpose of having made a copy of the lists of registered voters in the State of Texas."

House bill No. 263, "An Act to prohibit the sale of spirituous liquors, and the establishing or keeping of any gambling table or device within two miles of Trinity University, in Limestone county."

Also, that the House has adopted the report of the Committee of Free Conference on Senate bill No. 197, entitled "An Act prescribing the time of holding the district courts in the several judicial districts in the State."

The House has concurred in the Senate amendments to House bill No. 463, entitled "An Act for the relief of the heirs of John B. Craig, deceased," by adding to section one, "provided, nothing in this act shall be construed to interfere with the rights of third persons."

Also, to Senate amendments to House bill No. 70, entitled "An Act granting to the Galveston Wharf Company the right to make railroad connection with their wharves and the railroads entering the city of Galveston," by striking from section one, line fourteen, the words "a switch," and inserting in lieu thereof the words "switches, turn-outs, side-switches, etc."

And to the amendments to House bill No. 294, entitled "An Act to incorporate the Western Narrow Gauge Railway Company," viz: by inserting in line five of section eight, after the words "La Grange," the word "Lockhart;" in same line, after the word "county," the words "via Bellville."

Pending discussion,

On motion of Senator Mills Senator Clark was excused.

Senator Priest moved that the Senate adjourn.

Yeas and nays taken :

Yeas—Dohoney, Evans, Hertzberg, Latimer, Pickett, Priest, Shannon—7.

Nays—Mr. President, Alford, Baker, Bell, Broughton, Cole, Douglas, Flanagan, Ford, Fountain, Gaines, Hall, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor—20.

Absent—Bowers.

Excused—Clark.

So the Senate refused to adjourn.

Senator Pickett moved a call of the Senate.

Call sustained.

Roll called.

Absent—Senator Bowers.

Excused—Senator Clark.

On motion of Senator Ruby the call of the Senate was suspended.

Senator Pyle moved that Senator Bowers be excused.

Yeas and nays taken.

Yeas—Mr. President, Alford, Baker, Broughton, Cole, Dohoney, Douglas, Flanagan, Ford, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor—21.

Nays—Evans, Latimer, Pickett, Priest, Shannon—5.

So the Senate excused Senator Bowers from attendance.

The question recurring upon House bill No. 176, on motion of Senator Ruby, the rules were suspended, and bill read second time.

Senator Priest offered the following :

Strike out section ten, and insert in lieu thereof the following :

SEC. 10. In consideration of the bonds herein prescribed to be issued in aid of said road, the State of Texas shall have an interest in said road, and in the net profits of said road of one-third, and shall have a corresponding influence and control of said road, as if one-third of the entire stock was taken by the State of Texas, and paid for by said bonds—said State of Texas to be considered as a stockholder to the extent of one-third of the entire stock of said road, with all the rights, privileges and immunities of a stockholder, to the extent aforesaid, with the right to withhold and cease to issue bonds at any time, on failure of said company to comply with the terms of this charter. All the profits derived by the State from her interest as aforesaid in said road, shall go to and constitute a part of the school fund of the State, to be disposed of as other school funds for purposes of education annually, as received. Said company shall issue and deliver to the State of Texas, one-third of the stock of said road, and the interest of said State in said road shall never be mortgaged or in any wise encumbered by said com-

pany, without the consent of the State of Texas, expressed by act of the Legislature.

Senator Mills moved the amendment be rejected.

Yeas and nays taken.

Yeas—Mr. President, Alford, Baker, Bell, Broughton, Cole, Douglas, Flanagan, Ford, Fountain, Gaines, Hall, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor—20.

Nays—Dohoney, Evans, Hertzberg, Latimer, Pickett, Priest, Shannon—7.

Excused—Bowers, Clark—2.

Amendment rejected.

Senator Priest moved to strike out section twelve.

Yeas and nays taken.

Yeas—Dohoney, Douglas, Evans, Hall, Hertzberg, Latimer, Pickett, Priest, Shannon—9.

Nays—Mr. President, Alford, Baker, Bell, Broughton, Cole, Flanagan, Ford, Fountain, Gaines, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor—18.

Excused—Bowers, Clark—2.

The Senate refused to strike out section twelve.

Senator Dohoney offered the following amendment: amend by striking out "section nine."

Yeas and nays taken.

Yeas---Dohoney, Evans, Hertzberg, Latimer, Pickett, Priest, Shannon---7.

Nays—Mr. President, Alford, Baker, Bell, Broughton, Cole, Douglas, Flanagan, Ford, Fountain, Gaines, Hall, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor---20.

Excused—Bowers, Clark---2.

The Senate refused to strike out section nine.

Senator Hertzberg offered the following amendment:

Amend by striking out in section ten and line seven all after the words "obligates itself" and inserting the following words, "to guarantee the interests of the bonds of said company to the amount of \$25,000 dollars per mile; provided, that the State of Texas shall have a first mortgage upon the road and its property."

Senator Cole moved the rejection of the amendment.

Yeas and nays taken:

Yeas---Mr. President, Alford, Baker, Bell, Broughton, Cole, Flanagan, Ford, Fountain, Gaines, Hall, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor---19.

Nays---Douglas, Evans, Hertzberg, Latimer, Pickett, Priest, Shannon---7.

Excused from voting--Dohoney.

Excused—Bowers, Clark—2.

The Senate rejected the amendment.

Senator Priest offered the following amendment:

Amend section nine by the following proviso at the end of the bill:
“provided, that no bonds herein authorized to be issued and donated to said railroad company shall be sold or negotiated for less than par by said company or its authority.”

Yeas and nays taken.

Yeas—Dohoney, Evans, Hertzberg, Latimer, Pickett, Priest, Shannon—7.

Nays—Mr. President, Alford, Baker, Bell, Broughton, Cole, Douglas, Flanagan, Ford, Fountain, Gaines, Hall, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor—20.

Excused—Bowers, Clark—2.

Amendment lost.

Senator Latimer offered the following amendment:

Section twelve, line three, after the words “period of,” strike out “five” and insert two.”

Amendment lost.

Senator Dohoney offered the following amendment:

Amend section thirteen, line two, by striking out the word “fifty” and inserting the words “one hundred;” and in line four strike out the words “seventy-five” and insert “one hundred;” also, strike out in same line, “one hundred and fifty” and insert “two hundred.”

Yeas and nays taken:

Yeas—Dohoney, Evans, Ford, Hall, Hertzberg, Latimer, Pickett, Priest, Shannon—9.

Nays—Mr. President, Alford, Baker, Bell, Broughton, Cole, Douglas, Flanagan, Fountain, Gaines, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor—18.

Excused—Bowers, Clark—2.

Amendment lost.

Senator Pyle moved the previous question.

Previous question seconded.

Question put, “Shall the bill pass to its third reading?”

Yeas and nays:

Yeas—Mr. President, Alford, Baker, Bell, Broughton, Cole, Douglas, Flanagan, Ford, Fountain, Gaines, Hall, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor—20.

Nays—Dohoney, Evans, Hertzberg, Latimer, Pickett, Priest, Shannon—7.

Excused—Bowers, Clark—2.

Bill passed to its third reading.

Senator Pickett moved that the Senate adjourn to 9 o'clock A. M.

Yeas and nays taken:

Yeas—Broughton, Dohoney, Evans, Ford, Gaines, Latimer, Pickett, Priest, Shannon—9.

Nays—Mr. President, Alford, Baker, Bell, Cole, Douglas, Flanagan, Fountain, Hall, Hertzberg, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor—18.

Excused—Bowers, Clark—2.

So the Senate refused to adjourn.

Senator Parsons moved that rule seventy-four be suspended.

Yeas and nays taken :

Yeas—Mr. President, Alford, Baker, Bell, Cole, Douglas, Flanagan, Fountain, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor—19.

Nays—Broughton, Dohoney, Evans, Ford, Latimer, Pickett, Priest, Shannon—8.

Excused—Bowers, Clark—2.

Rule suspended.

Senator Picket moved the Senate adjourn.

Lost.

On motion of Senator Pyle the Senate adjourned to fifty-five minutes of one o'clock A. M. to-morrow.
